



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 3712 Examiner: John A. Ricci

Serial No. 09/781,530 Filed: February 8, 2001

In re Application of: Douglas Boehner

For: TENNIS BALL SERVING DEVICE

**RECEIVED**

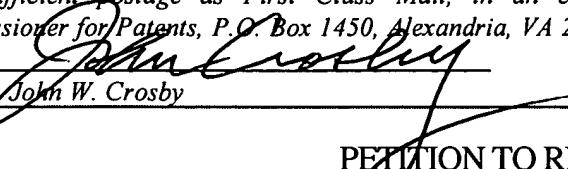
JUN 06 2005

**OFFICE OF PETITIONS**

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 5/28/05.

Signed

  
John W. Crosby

PETITION TO REVIVE

UNAVOIDABLY ABANDONED APPLICATION

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

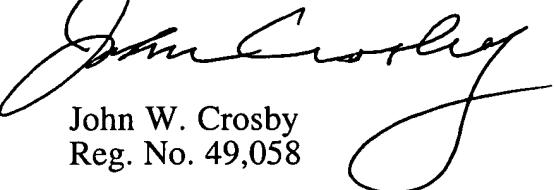
Your Petitioner, Douglas Boehner, owner of all of the right, title, and interest in the above-identified patent application, hereby petitions to revive this application under the provisions of 37 C.F.R. §1.137(a) because the application was unavoidably abandoned.

Following a communication from the Examiner in which the Examiner stated that Applicant's attorney, Charles Hartman, submitted an informal or non-responsive amendment because it failed to include clean copies of the claims. Mr. Hartman failed to respond within the time allowed by statute, and subsequently failed to communicate the problem with the Applicant. A Notice of Abandonment

was sent to Mr. Hartman on 11/18/2002, and the Notice of Abandonment references that the Examiner attempted to contact Mr. Hartman by phone, but Hartman's phone was disconnected. It is unclear whether Mr. Hartman ever received either the notice of the non-responsive amendment or the Notice of Allowance. Applicant attempted to contact Mr. Hartman to inquire about the status of the present application, but was unable to locate Mr. Hartman. Upon receiving communication from the undersigned attorney that the application was abandoned, Applicant promptly instructed the undersigned attorney to file a petition to revive the present application.

Transmitted herewith are the amendment containing a clean copy of the claims, and a check in the amount of \$565.00, which includes the petition fee of \$250.00 pursuant to the provisions of 37 C.F.R. §1.17(l), to cover the cost of this petition, and a terminal disclaimer surcharge of \$65.00, as set forth in 37 CFR 1.20(d).

Respectfully submitted,  
SIERRA PATENT GROUP, LTD.

  
John W. Crosby  
Reg. No. 49,058

Dated: May 28, 2005

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